

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AQUIL JOHNSON : CIVIL ACTION  
v. :  
: :  
: :  
STEVEN R. GLUNT, et al. : NO. 14-2317

**FILED**

OCT 20 2014

ORDER

MICHAEL E. KUNZ, Clerk  
By \_\_\_\_\_ Dep. Clerk

AND NOW, this 17<sup>th</sup> day of October, 2014, upon careful and independent consideration of plaintiff's petition for writ of Habeas Corpus (Docket #1), the defendant's response and plaintiff's reply, thereto, and after review of the Report and Recommendation of Magistrate Judge Elizabeth T. Hey, and after consideration of the plaintiff's objections, thereto, and plaintiff's application for certificate of appealability (Docket #17), IT IS HEREBY ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The objections to the Report and Recommendation are OVERRULED;
3. The petition for writ of habeas corpus is DISMISSED without prejudice;
4. The application for leave to file expansion of the record pursuant to Rule 7(b) of the rules governing 2254 cases (Docket #15) is GRANTED;

5. The motion for appointment of counsel (Docket #7), motion for financial assistance for litigation support services (Docket #8), motion for evidentiary hearing (Docket #9), and motion to conditionally transmit the state court record (Docket #10) are DENIED; and
6. There is no basis for issuance of a certificate of appealability.

BY THE COURT:

  
MARY A. McLAUGHLIN, J.